

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-1.021 Definitions.

When used in this Chapter, Chapters 40E-0, 40E-2, 40E-3, 40E-4, 40E-5, 40E-41, and 40E-61, and 40E-63, F.A.C.:

(1) through (3) NO CHANGE

~~(4) “Electronic record” means information that is stored in an electronic medium and is retrievable in a perceivable form, including public records as defined in Section 119.011, F.S.~~

~~(5) “Electronic signature” means an electronic sound, symbol, or process attached to an electronic record and executed or adopted by a person with the intent to sign the record.~~

~~(4)(6)~~ “Electronic Posting” means placing notice through a link on the home page of the District’s website.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented ~~668.003, 668.004, 668.50 FS. History—New 10-1-06, Amended 10-23-12, 1-19-14, 7-14-14, _____.~~

40E-1.607 Permit Application Processing Fees.

Introductory paragraph – NO CHANGE

(1) and (2) NO CHANGE

(3)(a) Environmental Resource Permit Application processing fees are in the following table:

1. and 2. NO CHANGE	NO CHANGE
3. Verification of qualification to use a Noticed General Permit.	NO CHANGE
4. NO CHANGE	
4.a.(I) through (XIII) NO CHANGE	NO CHANGE
<u>(XIV) An individual Permit for a phase of construction that is consistent with an existing Conceptual Approval Permit.</u>	<u>\$1500</u>
b. NO CHANGE	
(I) An Individual Permit or modification for a phase of construction that is consistent with an existing Conceptual Approval Permit.	\$1500
<u>(I) (II)</u> NO CHANGE	NO CHANGE
<u>(II) (III)</u> NO CHANGE	NO CHANGE
c. NO CHANGE	NO CHANGE
5. through 13. NO CHANGE	NO CHANGE

(3)(b) NO CHANGE

(4) through (7) NO CHANGE

Rulemaking Authority 373.044, 373.109, 373.113, 373.171, 373.421(2), 373.421(6)(b), 373.4131

FS. Law Implemented 218.075, 373.109, 373.4131, 373.421(2), 373.421(6)(b), 403.201 FS. History—New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96, 11-8-99, 5-24-00, 6-26-02, 7-11-02, 8-10-03, 8-14-03, 11-18-07, 11-1-09, 12-15-11, 10-23-12, 10-1-13, 7-31-14, 9-7-15,_____.

40E-1.6107 Transfer of Environmental Resource, Surface Water Management, or Water Use, or Wetland Resource Permit.

(1) The procedures for the transfer of environmental resource permits are set forth in Rule ~~62-330.340~~ 62-330.340, F.A.C. To transfer a surface water management, water use, or wetland resource permit, the permittee, in addition to satisfying the applicable provisions in Rule 40E-2.351, F.A.C., must submit Form No. 0483, (October 1, 2013), <http://www.flrules.org/Gateway/reference.asp?No=Ref-02753>, Request for Surface Water Management, Water Use, or Wetland Resource Permit Transfer, incorporated by reference herein. Form No. 0483 is also available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 4(800) 432-2045, ext. ~~2729~~ 6436, or (561) 682-~~2729~~ 6436.

(2) through (5) NO CHANGE

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.083, 373.171, 373.219, 373.309, 373.413, 373.4131, 373.414, 373.416, 373.426, 373.429, 373.436, 668.003, 668.004, 668.50 FS. History—New 5-11-93, Amended 10-3-95, 10-1-06, 10-23-12, 10-1-13, 7-14-14,_____.

40E-1.615 Coordinated Agency Review Procedures for the Florida Keys Area of Critical State Concern.

(1) through (3)(a) NO CHANGE

(b) The District's Coordinated Review process begins when the District receives the Coordinated Review Application from the Permit Coordinator as required by Section 380.051, F.S. ~~subsection 9J-19.006(3) (Initiation of Coordinated Review), F.A.C.~~

(c) NO CHANGE

(d) If the applicant waives the time limits required by Chapter 120 and Section 380.051, F.S., ~~as set forth in Rule 9J-19.007, F.A.C.,~~ the District shall delay initiation of substantive review until notice is received by electronic mail at the District's e-Permitting website or in writing from the Permit Coordinator indicating that substantive review should begin, ~~as provided in subsection 9J-19.007(3) (Coordination of Time for Sufficiency Review), F.A.C.~~ If the applicant does not waive the time limits, the District shall begin substantive review when the Coordinated Review Application is complete.

(e) The Certification of the Coordinated Review Application required by Section 380.051(2)(a), F.S., ~~and subsections 9J-19.002(3) (Purpose) and 9J-19.009(1) and (2) (Completion of Substantive Review), F.A.C.,~~ shall occur within 60 days after the District begins substantive review, and shall consist of the notice of proposed agency action together with the staff report on the individual permit pursuant to Subsection 40E-1.603(6) (Application Procedures for Processing Permit Applications or Notices of Intent), F.A.C., which may recommend denial to the Governing Board, or approval, or approval with conditions to its designee.

(f) NO CHANGE

Rulemaking Authority 373.044, 373.113, 373.171, 373.4131, 380.051 FS. Law Implemented 373.4131, 380.051, 668.003, 668.004, 668.50 FS. History—New 9-22-87, Amended 10-3-95, 10-1-06, 12-1-11, 10-23-12, 10-1-13, 7-14-14,_____.

40E-1.659 Forms and Instructions.

The following forms and instructions are incorporated by reference throughout the District's rules as specified below and are listed herein for convenience. Hyperlinks are provided in the rules in which the forms and instructions are referenced and copies can be obtained without cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 2729 ~~6436~~, or (561) 682-2729 ~~6436~~:

Form No.	Date	Title
0186	NO CHANGE	NO CHANGE
0483	<u>10-13</u> 10-01	NO CHANGE
0779 through DEP Form 4	NO CHANGE	NO CHANGE

Rulemaking Authority 218.075, 373.044, 373.113, 373.171, 373.4136, 373.416, 695.03, 704.06 FS. Law Implemented 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 FS. History—New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20-04, 2-12-06, 1-23-07, 8-7-07, 7-4-10, 12-15-11, 5-20-12, 10-23-12, 10-1-13, 7-14-14, 9-7-15,_____.

40E-1.702 Environmental Resource, Surface Water Management Permit and Consumptive Use Enforcement Guidelines.

The following guidelines apply to t~~The District's Environmental Resource, Consumptive Use and Surface Water Management Permit enforcement programs: is implemented through guidelines concerning Resource Protection, Dispute Resolution and Penalty Assessments.~~

~~(1) The Resource Protection guideline provides that:~~

~~(1a) Adverse impacts to water resources shall be recovered by requiring complete restoration; or~~

~~(2b) In those cases where restoration of the adverse impact is not environmentally feasible, the District shall require mitigation to offset such impacts.~~

~~(2) The Dispute Resolution guideline provides that:~~

~~(3a) If the violation cannot be resolved in a negotiated, pro-active manner, it is the District's policy to seek full compliance with District permits and rules through appropriate legal action; and~~

~~(b) Violations can most effectively be prevented through educating the public about District permitting practices and criteria.~~

~~(3) The Penalty Assessment guideline provides that:~~

~~(4a) The District shall provide for prompt resolution of enforcement matters in a manner that best protects the public interest and water resources; and~~

~~(5b) The District shall ensure that violators do not gain an economic advantage over competitors by circumventing District permitting requirements. Enforcement action shall be~~

designed to remove any economic advantage resulting from the failure to comply with District permits and rules.

Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.62, 120.69, 373.083(2), 373.119, 373.129, 373.136, 373.430, 373.433, 373.603 FS. History—New 10-3-95, Amended 7-2-98,_____.